



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 19 मार्च, 1983/28 फाल्गुन, 1904

हिमाचल प्रदेश सरकार

हिमाचल प्रदेश विधान सभा सचिवालय

अधिसूचनाएँ

शिमला-4, 15 मार्च, 1983

संख्या 1-15/83-वि० स०—हिमाचल प्रदेश विधान सभा प्रक्रिया एवं कार्य संचालन नियमावली, 1973 के नियम 135 के अन्तर्गत, हिमाचल प्रदेश विनियोग विधेयक, 1983 (1983 का विधेयक संख्यांक 5) जो दिनांक 15 मार्च, 1983 को हिमाचल

प्रदेश विधान सभा में पुरस्थापित हो गया है, सर्वसाधारण की सुचनायं राजपत्र में मुद्रित करने हेतु प्रेषित किया जाता है।

1983 का विधेयक संख्यांक 5

हिमाचल प्रदेश विनियोग विधेयक, 1983

(जैसा कि विधान सभा में पुरस्थापित किया गया)

31 मार्च, 1983 को समाप्त होने वाले वर्ष के लिए हिमाचल प्रदेश राज्य की संचित निधि में से सेवाओं के लिए कर्तिपय धन-राशि के भुगतान की स्वीकृति और उनके विनियोग हेतु—

विधेयक।

भारत गणराज्य के चौतीसवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में अधिनियमित हो :—

1. यह अधिनियम हिमाचल प्रदेश विनियोग अधिनियम, 1983 कहाएगा। संक्षिप्त नाम
2. हिमाचल प्रदेश राज्य की संचित निधि में से अनुसूची के तीसरे स्तम्भ में निर्दिष्ट धन राशियां जिनका जोड़ दो शरब तेहतर लाख सैंतीस हजार सात सौ सैंतालीस रुपये आता है निकाली जाएं और उनका वित्तीय वर्ष 1982-83 की अवधि में अनुसूची के दूसरे स्तम्भ में निर्दिष्ट प्रभारों को चुकता करने हेतु उपयोग किया जाए। हिमाचल प्रदेश राज्य की संचित निधि में से 1982-83 के वर्ष के लिए 2,00,73,37,747 रुपए की और राशि निकालना।
3. हिमाचल प्रदेश राज्य की संचित निधि में से इस अधिनियम द्वारा जिन राशियों को निकालने और उनका उपयोग करने के लिए अधिकृत किया गया है उन धन राशियों का विनियोग, धारा 2 में उल्लिखित अवधि के सम्बन्ध में अनुसूची में प्रदर्शित प्रयोजनों और सेवाओं के लिए किया जाएगा। विनियोग।

अनुसूची
(देखिए धारा 2 तथा 3)

| मांग संख्या | सेवायें एवं प्रयोजन | निम्नलिखित राशियों से अनाधिक | | |
|-------------|---|------------------------------|-----------------------------|-----------|
| | | विधान सभा द्वारा दत्तमत | संचित निधि पर प्रभारित | जोड़ |
| | | रुपये | रुपये | रुपये |
| 2 | राज्यपाल तथा मन्त्रि-परिषद् | (राजस्व) | 10,00,000 | 10,16,000 |
| 3 | न्याय प्रशासन | (राजस्व) | — | 2,350 |
| 4 | सामान्य प्रशासन | (राजस्व) | 69,34,000 | 30,000 |
| 5 | भू-राजस्व | (राजस्व) | 60,67,000 | — |
| 6 | आबकारी तथा कराधान | (राजस्व) | 8,31,000 | — |
| 7 | पुलिस तथा अग्नि सुरक्षा | (राजस्व) | 1,14,00,440 | 4,560 |
| 8 | शिक्षा, कला तथा संस्कृति एवं वैज्ञानिक अनुसंधान | (राजस्व) (पूँजी) | 83,51,000 4,00,000 | 1,14,030 |
| 9 | चिकित्सा तथा परिवार नियोजन | (राजस्व) (पूँजी) | 67,93,314 41,30,000 | 27,050 |
| 10 | लोक निर्माण | (राजस्व) | 21,18,000 | 1,45,100 |
| 11 | कृषि | (राजस्व) (पूँजी) | 4,47,73,000 85,00,000 | 6,000 |
| 12 | लघु सिवाई | (राजस्व) (पूँजी) | 97,83,000 | — |
| 13 | भू एवं जल संरक्षण | (राजस्व) | 1,80,00,000 | — |
| 14 | पशु पालन तथा दुर्घट विकास | (राजस्व) | 60,00,000 | — |
| 15 | मत्स्य | (राजस्व) | 4,08,000 | 35,000 |
| 16 | वन | (राजस्व) | 4,30,000 | — |
| 17 | सड़के तथा पुल | (राजस्व) (पूँजी) | 1,49,45,000 4,71,00,000 | 24,100 |
| 18 | आपूर्ति, उद्योग तथा खनिज | (राजस्व) (पूँजी) | — 60,55,000 | 11,51,700 |
| 19 | सामाजिक सुरक्षा, कल्याण तथा जेलें | (राजस्व) (पूँजी) | 44,50,000 5,00,000 | — |
| 20 | लोक स्वास्थ्य, स्वच्छता एवं जल आपूर्ति | (राजस्व) (पूँजी) | 2,46,57,000 11,26,66,000 | — |
| 21 | सामुदायिक विकास | (राजस्व) (पूँजी) | 5,59,55,000 | 1,83,300 |
| 23 | खाद्य एवं पोषाहार | (राजस्व) | 2,57,000 | — |
| 24 | जल तथा विद्युत विकास | (राजस्व) | 24,00,000 | — |
| 25 | सिवाई, नावचालन, जल निकास तथा वाड़ नियन्त्रण | (राजस्व) | 68,45,000 25,80,000 | — |
| | | | | 25,80,000 |

| 1 | 2 | 3 | रुपये | रुपये | रुपये |
|----|--|------------------------|-------------------------------|-------------------------------|-------|
| 27 | सड़क परिवहन (राजस्व) (पूँजी) | 59,90,000 6,25,000 | — — | 59,90,000 6,25,000 | |
| 28 | पर्यटन (राजस्व) (पूँजी) | 7,000 7,30,000 | — — | 7,000 7,30,000 | |
| 29 | श्रम तथा रोजगार (राजस्व) | 6,27,000 | 303 | 6,27,303 | |
| 30 | आवास (राजस्व) (पूँजी) | 39,34,000 2,00,000 | — 17,37,000 | 39,34,000 19,37,000 | |
| 31 | नगर विकास (राजस्व) (पूँजी) | 34,58,000 10,00,000 | — — | 34,58,000 10,00,000 | |
| 32 | अन्य प्रशासनिक सेवाएं (राजस्व) (पूँजी) | — 36,50,000 | 80,000 — | 80,000 36,50,000 | |
| 33 | वित्त (राजस्व) (पूँजी) | 28,54,000 — | 2,46,00,000 1,52,87,93,000 | 2,74,54,000 1,52,87,93,000 | |
| 34 | सरकारी कर्मचारियों को ऋण (पूँजी) | 40,00,000 | — | 40,00,000 | |
| 35 | जन-जातीय विकास (राजस्व) (पूँजी) | 54,00,000 25,84,000 | — — | 54,00,000 25,84,000 | |
| | जोड़ .. | 44,93,88,254 | 1,55,79,49,493 | 2,00,73,37,747 | |

उद्देश्य तथा कारणों का विवरण

यह विधेयक हिमाचल प्रदेश सरकार के वित्तीय वर्ष 1982-83 के लिए अनुमानित व्यय के सम्बन्ध में संचित निधि पर प्रभारित तथा विधान सभा द्वारा दत्तमत व्यय पुरा करने के लिए बांधित धन को हिमाचल प्रदेश राज्य की संचित निधि में से विनियोग करने की व्यवस्था करने हेतु भारतीय संविधान के अनुच्छेद 204 की धारा (1) के अनुसार प्रस्तुत किया जाता है।

राम लाल,
मुख्य मन्त्री।

शिखला :
15 मार्च, 1983

नारतीय संविधान के अनुच्छेद 207 के अन्तर्गत राज्यपाल के अभिस्ताव

[वित्त विभाग काइल संख्या फिन-1-सी(2) 41/82]

राज्यपाल ने नविधान के अनुच्छेद 207 के अन्तर्गत हिमाचल प्रदेश विनियोग विधेयक, 1983 के विषय की सूचना मिलने पर उक्त विधेयक को विधान सभा में पुरास्थापित करने तथा उस पर सभा के विचार हेतु अभिस्ताव किया है।

[Authorised English Text of Himachal Pradesh Viniyog Vidheyak, 1983 as required under clause (3) of Article 348 of the Constitution of India.]

Bill No. 5 of 1983.

THE HIMACHAL PRADESH APPROPRIATION BILL, 1983

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Himachal Pradesh for the services for the year ending on the 31st day of March, 1983.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-fourth Year of the Republic of India as follows:—

| 1. This Act may be called the Himachal Pradesh Appropriation Act, 1983. | Short title |
|--|--|
| 2. From and out of the Consolidated Fund of the State of Himachal Pradesh, there may be paid and applied further sums not exceeding those specified in column (3) of the Schedule amounting in the aggregate to the sum of two hundred crores, seventy-three lakhs, thirty-seven thousand, seven hundred and forty-seven rupees towards defraying the charges which will come in course of payment during the financial year 1982-83 in respect of the services specified in column (2) of the Schedule. | Issue of a further sum of Rs. 2,00,73,37,747 out of the Consolidated Fund of the State of Himachal Pradesh for the year 1982-83. |
| 3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Himachal Pradesh by this Act shall be further appropriated for the services and purposes expressed in the Schedule in relation to the period mentioned under section 2 of this Act. | Appropriation. |

THE SCHEDULE

(See Sections 2 and 3)

| No. of Demand | Services and purposes | Sums not exceeding | | | Total | |
|---------------|---|-----------------------------------|----------------------------------|-----------|--------------|--|
| | | Voted by the Legislative Assembly | Charged on the Consolidated Fund | | | |
| | | | Rs. | Rs. | | |
| 2 | Governor and Council of Ministers | (Revenue) | 10,00,000 | 10,16,000 | 20,16,000 | |
| 3 | Administration of Justice | (Revenue) | — | 2,350 | 2,350 | |
| 4 | General Administration | (Revenue) | 69,34,000 | 30,000 | 69,64,000 | |
| 5 | Land Revenue | (Revenue) | 60,67,000 | — | 60,67,000 | |
| 6 | Excise and Taxation | (Revenue) | 8,31,000 | — | 8,31,000 | |
| 7 | Police and Fire Protection | (Revenue) | 1,14,00,440 | 4,560 | 1,14,05,000 | |
| 8 | Education, Art and Cultural Affairs and Scientific Research | (Revenue) | 83,51,000 | 1,14,030 | 84,65,030 | |
| | | (Capital) | 4,00,000 | — | 4,00,000 | |
| 9 | Medical and Family Planning | (Revenue) | 67,93,314 | 27,050 | 68,20,364 | |
| | | (Capital) | 41,30,000 | 1,45,100 | 42,75,100 | |
| 10 | Public Works | (Revenue) | 21,18,000 | — | 21,18,000 | |
| 11 | Agriculture | (Revenue) | 4,47,73,000 | 6,000 | 4,47,79,000 | |
| | | (Capital) | 85,00,000 | — | 85,00,000 | |
| 12 | Minor Irrigation | (Revenue) | 97,83,000 | — | 97,83,000 | |
| | | (Capital) | 1,80,00,000 | — | 1,80,00,000 | |
| 13 | Soil and Water Conservation | (Revenue) | 60,00,000 | — | 60,00,000 | |
| 14 | Animal Husbandry and Dairy Development | (Revenue) | 4,08,000 | 35,000 | 4,43,000 | |
| | | (Revenue) | 4,30,000 | — | 4,30,000 | |
| 15 | Fisheries | (Revenue) | 1,49,45,500 | 24,100 | 1,49,69,600 | |
| 16 | Forest | (Revenue) | 4,71,00,000 | — | 4,71,00,000 | |
| 17 | Roads and Bridges | (Revenue) | — | 11,51,700 | 11,51,700 | |
| | | (Capital) | — | — | — | |
| 18 | Supplies, Industries and Minerals | (Revenue) | 60,55,000 | — | 60,55,000 | |
| | | (Capital) | 44,50,000 | — | 44,50,000 | |
| 19 | Social Security, Welfare and Jails | (Capital) | 5,00,000 | — | 5,00,000 | |
| 20 | Public Health, Sanitation and Water Supply | (Revenue) | 2,46,57,000 | — | 2,46,57,000 | |
| | | (Capital) | 11,26,66,000 | — | 11,26,66,000 | |
| 21 | Community Development | (Revenue) | 5,59,55,000 | 1,83,300 | 5,61,38,300 | |
| | | (Capital) | 2,57,000 | — | 2,57,000 | |
| 22 | Food and Nutrition | (Revenue) | 24,00,000 | — | 24,00,000 | |
| 23 | Water and Power Development | (Revenue) | 68,45,000 | — | 68,45,000 | |
| 24 | Irrigation, Navigation, Drainage and Flood Control | (Revenue) | 25,80,000 | — | 25,80,000 | |
| 25 | Road Transport | (Revenue) | 59,90,000 | — | 59,90,000 | |
| | | (Capital) | 6,25,000 | — | 6,25,000 | |
| 26 | Tourism | (Revenue) | 7,000 | — | 7,000 | |
| | | (Capital) | 7,30,000 | — | 7,30,000 | |

| 1 | 2 | 3 |
|----|---|----------------|
| | | Rs. |
| 29 | Labour and Employment (Revenue) | 6,27,000 |
| 30 | Housing (Revenue) | 39,34,000 |
| | (Capital) | 2,00,000 |
| 31 | Urban Development (Revenue) | 34,58,000 |
| | (Capital) | 10,00,000 |
| 32 | Other Administrative Services (Revenue) | — |
| | (Capital) | 36,50,000 |
| 33 | Finance (Revenue) | 28,54,000 |
| | (Capital) | — |
| 34 | Loans to Government Servants (Capital) | 40,00,000 |
| 35 | Tribal Development (Revenue) | 54,00,000 |
| | (Capital) | 25,84,000 |
| | Total . . . | 44,93,88,254 |
| | | 1,55,79,49,493 |
| | | 2,00,73,37,747 |

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of clause (1) of Article 204 of the Constitution of India, to provide for the appropriation from and out of the Consolidated Fund of the State of Himachal Pradesh of the moneys further required to meet the expenditure charged on the Consolidated Fund and other expenditure as voted by the Legislative Assembly in respect of the estimated expenditure of the Government of Himachal Pradesh for the financial year 1982-83.

RAM LALL,
Chief Minister.

SHIMLA:

The 15th March, 1983.

RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

[Finance Department File No. 1-C(2)-41/82]

The Governor, having been informed of the subject matter of the proposed Himachal Pradesh Appropriation Bill, 1983, recommends, under Article 207 of the Constitution of India, the introduction in, and consideration of, the said Bill by the Legislative Assembly.

Shimla-4, the 18th March, 1983

No. 1-17/83-VS.—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1973, the Himachal Pradesh Water Supply (Amendment) Bill, 1983 (Bill No. 4 of 1983) having been introduced on the 18th March, 1983, in the Himachal Pradesh Vidhan Sabha, is hereby published in the Gazette.

V. VERMA,
Secretary.

Bill No. 4 of 1983

**THE HIMACHAL PRADESH WATER SUPPLY (AMENDMENT)
BILL, 1983**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

further to amend the Himachal Pradesh Water Supply Act, 1968 (Act No. 8 of 1969).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Water Supply (Amendment) Act, 1983. Short title and commencement.

(2) It shall come into force at once.

2. For the existing sub-clause (xiv) of section 2 of the Himachal Pradesh Water Supply Act, 1968 (hereinafter called the principal Act) the following clause (xiv) shall be substituted, namely:— Amendment of section 2.

“(xiv) ‘water rate’ means the charge for the time being levied by the State Government under section 5 or by the local authority under sub-section (2) of section 6.”

3. The existing section 4 of the principal Act shall be omitted. Omission of section 4.

4. For the existing section 5 of the principal Act, the following new section 5, along with its heading, shall be substituted, namely:— Substitution of section 5.

“5. *Levy of water rates.*—(1) The State Government shall levy a water rate for water supplied to a consumer, by a water supply scheme managed directly by the Government or by the beneficiary to whom the scheme may be entrusted, at such rates as may be specified by the State Government, by notification published in the Official Gazette, from time to time.

(2) The recovery of the water charges shall be effected from the individuals on the basis of flat rate or on the basis of metered connections.

(3) The water rate levied shall, if not paid when due, be recovered as if it were an arrear of land revenue.”

5. For the existing section 6 of the principal Act, the following new section 6, along with its heading, shall be substituted, namely:— Substitution of section 6.

“6. *Handing over of water supply schemes.*—(1) Where a local authority is prepared to take over and maintain any scheme as a beneficiary,

the State Government shall hand over the development, management or control of such scheme to such local authority subject to such conditions as the State Government may deem fit to impose.

(2) The local authority which takes over a scheme under sub-section (1) of this section, shall fix water rate as it considers necessary and shall be responsible for the efficient management of such scheme.

(3) The water rate that the local authority may fix shall, in no case, exceed the water rate as may be specified by the State Government under section 5.

(4) The water rate levied by the State Government, if any, shall cease to have effect on the fixation of such rate by the local authority.”

6. In sub-section (2) of section 11 of the principal Act,—
 (i) for clause (b) the following clauses (b) and (c) shall be substituted, namely:—
 “(b) the guiding principles to be followed in the fixation of water rate under section 5;
 (c) the conditions subject to which the water supply scheme is to be handed over to a local authority under section 6; and”;
 (ii) the existing clause (c) shall be renumbered as clause (d).

Amendment
of section
11.

STATEMENT OF OBJECTS AND REASONS

Under section 4 of the Himachal Pradesh Water Supply Act, 1968 the State Government is to spend in the first instance the entire amount on all the schemes and on the improvements of the existing water supplies and is to recover from the beneficiaries or consumers,—

- (a) 25% of the capital cost and interest thereon in respect of urban water supply schemes;
- (b) 12½% of the capital cost and interest thereon in respect of rural water supply schemes.

Under section 6 a local authority is required to deposit with the State Government its share capital cost and stipulated interest thereon and the further cost of maintenance and replacement due on the date of handing over of water supply scheme to it. The local authorities are reluctant to take over the water supply schemes after paying the beneficiaries' share and the State Government has no other alternative except to manage the water supply schemes directly itself. Consequently heavy cost has to be borne by the State Government to provide the infrastructure to manage and control the completed water supply schemes. This provision is now required to be omitted by suitably amending sections 4 and 6 with the object of making the taking over of water supply schemes by local authorities more attractive. The consequential amendments are also required to be made in section 11.

Moreover, in order to simplify the fixation of the water rates for the supply of water by the schemes directly managed by the State Government or by the beneficiaries to whom the schemes may be handed over under the Act, it also has become necessary to amend section 5 and sub-section (2) of section 11 of the principal Act.

The Bill seeks to achieve the aforesaid objectives.

SHIMLA :
The 18th March, 1983.

SUKH RAM,
Minister-in-charge.

FINANCIAL MEMORANDUM

For the effective implementation of the provisions contained in the Bill, no extra expenditure is involved out of the State Exchequer. However, there is likelihood that the expenditure borne by the State Government for the management and control of the completed water supply schemes will be reduced by facilitating the handing over the management and control of schemes to local authorities on easy terms. But such reduction in expenditure cannot be worked out.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the State Government to make rules to provide the guiding principles to be followed in the fixation of the water rate under section 5, and the conditions subject to which the water supply is to be handed over to a local authority under section 6 of the principal Act. The rules so made are to be laid before the State Legislative Assembly. The proposed delegation is essential and normal in character.

Note.—For the purpose of this rule furniture will be treated as one item, which will include tables, chairs, stools, benches, racks, footrest, waste paper baskets, almirahs, confidential boxes, durries etc.

| | | | | | | | |
|-----|--|-------------------|-------------------|--------------------|--------------------|------------|---|
| 17. | To sanction the investigation of claim more than one year. | -do- | — | — | — | — | — |
| 18. | To sanction repayment on retransfer of security to depositor or to dispose of otherwise except in accordance with the terms of agreement. | -do- | — | — | — | — | — |
| 19. | To write off stores rendered unserviceable in normal working or use and to write off irrecoverable amount. | 250 each item. | 500 each item. | 1000 each item. | 2500 each item. | Full power | — |
| 20. | To exempt an official to deposit the amount of security when he is appointed in leave vacancy or as a temporary measure. | — | — | Full power | — | — | — |
| 21. | To vary the terms of contract, once entered into. | Full power | — | — | — | Full power | — |
| 22. | To sanction the payment to a contractor by way of compensation or otherwise outside the strict terms of contract or in excess of contract rates. | — | — | — | — | — | — |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|---|------------|------------|------------|------------|------------|------------|
| | | 250 | 500 | 1000 | 1500 | 2000 | Full power |
| 23. | To write off losses on account of shortage of stores. | per annum. | |
| 24. | To sanction disposal by public auction of stores found useless, or obsolete or have been rendered surplus and cannot be put to any use. | 400 | 500 | 600 | 1000 | 2000 | -do- |

Sd/-
Secretary (Panchayats).